

HOUSE No. 1734

By Representative Story of Amherst and Senator Chandler, joint petition of Ellen Story and others relative to public health. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Ellen Story	Steven J. D'Amico
Harriette L. Chandler	Mary E. Grant
Barbara A. L'Italien	Douglas W. Petersen
Matthew C. Patrick	Louis L. Kafka
Edward M. Augustus, Jr.	Sarah K. Peake
David Paul Linsky	Martha M. Walz
Alice K. Wolf	Gloria L. Fox
Gale D. Candaras	Patricia D. Jehlen
John W. Scibak	Peter V. Kocot
Denise Provost	Michael E. Festa
Tom Sannicandro	Carl M. Sciortino, Jr.
Susan C. Fargo	Christine E. Canavan
Pam Richardson	Jay R. Kaufman
John D. Keenan	Elizabeth A. Malia
Ruth B. Balser	Frank I. Smizik
Mark V. Falzone	Alice Hanlon Peisch
Stephen Kulik	Byron Rushing
Kay Khan	Michael J. Moran
William N. Brownsberger	Anne M. Gobi
James E. Timilty	Thomas P. Conroy

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO PUBLIC HEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. The Legislature finds that it is the public policy of
- 2 the commonwealth to provide its citizens with laws that protect the
- 3 public health and are constitutional and enforceable under the
- 4 Massachusetts Declaration of Rights.
- 5 The Legislature finds that a near-total ban on abortion, enacted in
- 6 1845, and other currently unenforceable restrictions on a woman's
- 7 right to access to reproductive health care are unconstitutional under
- 8 the Massachusetts Declaration of Rights. The Legislature further

9 finds that these laws, if enforced, would pose a great threat to the
10 public health.

11 The Legislature finds that the Massachusetts Declaration of
12 Rights protects the right to reproductive choice as a fundamental
13 right and to a greater extent than the federal Constitution. The Legis-
14 lature finds that the commonwealth has a proud history of enacting
15 laws and policies that protect women's health and allow for the pro-
16 tection of individual rights enumerated in the Massachusetts Decla-
17 ration of Rights. Existing laws of the commonwealth that do not
18 comport with the Declaration of Rights and that do not serve the
19 public interest must be repealed.

1 SECTION 2. Section 12Q of chapter 112 of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by
3 striking out the first paragraph and inserting in place thereof the
4 following paragraph:—

5 Except in an emergency requiring immediate action, no abortion
6 may be performed under section 12L or 12M unless the written
7 consent of the proper person has been delivered to the physician
8 performing the abortion as set forth in section 12S.

1 SECTION 3. Section 19 of chapter 272 of the General Laws is
2 hereby repealed.

1 SECTION 4. Section 20 of said chapter 272 is hereby repealed.

1 SECTION 5. Section 21 of said chapter 272 is hereby repealed.

1 SECTION 6. Section 21A of chapter 272 of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by
3 striking out in lines 2, 5, and 8 the word "married".